IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	:	Glen VAN DATTA et al.
Serial No.	:	10/700,798
Filed	:	November 3, 2003
For	:	PEER-TO-PEER RELAY NETWORK
Examiner	:	Ramy M. Osman
Art Unit	:	2457
Confirmation No.:		6261

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CERTIFICATE OF ELECTRONIC FILING

I hereby certify that this correspondence is being transmitted via Electronic Filing Services on May 18, 2009.

PATRICIA A. DUBYNE
(Name of person signing transmittal)

Patricia A. Dubyne
Signature

May 18, 2009
Date of Signature

DECLARATION UNDER 37 CFR 1.131

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

We, Anthony Mai and Glen Van Datta, hereby declare as follows:

1. We are the joint inventors of the above-noted United States Patent Application 10/700,798, filed in the United States Patent and Trademark Office on November 3, 2003, and with a claim of priority under 35 U.S.C. 119(e) to Provisional Application 60/513,098, filed October 20, 2003.

2. We hereby declare we conceived and reduced to practice the invention defined by claim 24 ("the invention") of the above-noted application prior to April 9, 2002, the United States filing date of United States Patent 7,174,382 issued to Ramanathan et al. ("Ramanathan"), as demonstrated in the exhibits attached to this Declaration. Our earlier conception and reduction to practice of my claimed invention is evidenced by the following statements:

3. Prior to April 9, 2002, we conceived of the invention of the present application as evidenced by Exhibit A, titled "Multi-Channel Multi-Party Audio Streaming Protocol" ("Protocol"), which was attached to an e-mail that Anthony Mai sent to Glen Van Datta prior to April 9, 2002. Language in the e-mail portion of Exhibit A has been redacted to preserve attorney-client privileged information. Specific nomenclature in the Protocol has been redacted to preserve confidential information.

4. The Protocol discloses the elements recited in claim 24. In particular, the Protocol describes the method of joining (adding) a peer system to a peer-to-peer (P2P) system and a method of establishing a P2P network.

5. Our invention was reduced to practice in a computer implementation as evidenced by the attached Exhibits B and C, which perform the functions recited by the elements recited in claim 24, and existed in a physical/tangible form. These exhibits are source code that is proprietary to the assignee of the present invention; and such source code has been redacted to preserve the confidentiality of such source code.

6. Exhibit B is computer source code created prior to April 9, 2002. Exhibit B constructs and sends out communications packages, as well as receives and processes incoming communication packages, pertaining to the forming and maintenance of the relay grid. Exhibit B

describes the data packages that the relay grid tries to relay. Portions of Exhibit B have been redacted to preserve confidential information.

7. Exhibit C is computer source code created prior to April 9, 2002. Exhibit C manages the features in Exhibit B as well as manages the high level application requests. Exhibit C generates and processes the message packages that are used to implement the invention. Exhibit C also accepts incoming and outgoing audio data streams and processes the data streams in proper data packages Exhibit C utilizes and manages Exhibit B to allow each client to interact with each other using pre-defined message packages in order to connect to each other and form the relay grid described in the invention. Function calls from Exhibit C are reproduced in Exhibits C1-C8 and are explained in more detail herein as necessary. Portions of Exhibits C and C1-C8 have been redacted to preserve confidential information.

8. Exhibit D includes computer "screen captures" resulting from execution of the source code and algorithms of Exhibit B and Exhibit C in a computer environment. The resulting "screen captures" of Exhibit D were successful and repeatable. Exhibit D is evidence that our invention was reduced to practice. Portions of Exhibit D have been redacted to preserve confidential information.

9. The "screen captures" of Exhibit D were prepared recently using the source code and algorithms of Exhibit B and Exhibit C running on a computer test platform available during the testing of the present invention. Such testing was performed prior to April 9, 2002 to determine the source code was successful, operable, and repeatable.

10. The function call on page 10 of Exhibit C and reproduced as Exhibit C1 causes the code to start the process to construct a relay grid, which implements the element "adding a peer system to a peer-to-peer relay network," recited in claim 24.

11. The function call on page 11 of Exhibit C and reproduced as Exhibit C2 causes the code to process any incoming network package and decide further processing depending on the package, which implements "opening a connection between a server and a joining peer system," recited in claim 24.

12. The function call on page 24 of Exhibit C and reproduced as Exhibit C3; the function call on page 25 of Exhibit C and reproduced as Exhibit C4; the function call on page 26 of Exhibit C and reproduced as Exhibit C5; and the function call on page 27 of Exhibit C and reproduced as Exhibit C6; cause the code to allow top application layer code to obtain information about existing channels (relay grid) and clients who have joined in each channel, which implements "providing grid information to said joining peer system indicating one or more established peer-to-peer relay networks," recited in claim 24.

13. The function call on page 22 of Exhibit C and reproduced as Exhibit C7 causes the code to cause the local client to join a relay grid, which implements "receiving a grid selection from said joining peer system indicating a selected peer-to-peer relay network, wherein said selected peer-to-peer relay network has one or more member peer systems," recited in claim 24.

14. The function call on page 27 of Exhibit C and reproduced as Exhibit C8 causes the code to provide bookkeeping of the network address of individual member peer systems to the underlying implementation of the peer relay system, which implements "providing network addresses of each of said one or more member peer systems to said joining peer system," recited in claim 24.

15. The function call on page 22 of Exhibit C and reproduced as Exhibit C7 causes the code to enable a local client to join a relay grid, which implements "receiving a connection

update from said joining peer system indicating to which member peer systems said joining peer system is connected," recited in claim 24.

16. The function call on page 22 of Exhibit C and reproduced as Exhibit C7 causes the code to start a sequence of actions and message exchanges, which implements "wherein each member peer system is connected to a number of other member peer systems that is less than or equal to a connection limit and each member peer system stores a set of one or more relay rules for relaying data to the other member peer systems connected to that member peer system," recited in claim 24.

17. As evidenced by attached Exhibits A through C, every element of my claimed invention was reduced to practice prior to April 9, 2002.

We each hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Signature of Declarant Date: Apr. 13, 2009

Anthony Mai
Print or Typed name of Declarant

Signature of Declarant Date

Glen Van Datta
Print or Typed name of Declarant

update from said joining peer system indicating to which member peer systems said joining peer system is connected," recited in claim 24.

16. The function call on page 22 of Exhibit C and reproduced as Exhibit C7 causes the code to start a sequence of actions and message exchanges, which implements "wherein each member peer system is connected to a number of other member peer systems that is less than or equal to a connection limit and each member peer system stores a set of one or more relay rules for relaying data to the other member peer systems connected to that member peer system," recited in claim 24.

17. As evidenced by attached Exhibits A through C, every element of my claimed invention was reduced to practice prior to April 9, 2002.

We each hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Signature of Declarant Date

Anthony Mai
Print or Typed name of Declarant

Signature of Declarant 4/23/09 Date

Glen Van Datta
Print or Typed name of Declarant